

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PRECISION ASSOCIATES, INC.; : Case No.: 08-CV-00042 (JG) (VVP)
ANYTHING GOES KKC d/b/a MAIL :
BOXES ETC., and JCK INDUSTRIES, :
INC., on behalf of themselves and all others :
Similarly situated, :
Plaintiffs, :
v. :
:
PANALPINA WORLD TRANSPORT :
(HOLDING) LTD., et al., :
:
Defendants. :
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**NOTICE OF MOTION TO
MODIFY THE PRELIMINARY
APPROVAL ORDER**

PLEASE TAKE NOTICE that upon the Declaration of James B. Niehaus, dated July 2, 2012, and the accompanying exhibits, Dell Inc.’s (“Dell”) Memorandum of Law in Support of its Motion to Intervene, and all the pleadings and proceedings herein, Dell will move this Court, before the Honorable John Gleeson, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, 11201, at such a time as the Court hereafter determines, for an order pursuant to Federal Rule of Civil Procedure 23(c)(1)(C), to modify the Court’s September 23, 2011 Order, which, among other things, preliminarily approved Plaintiffs’ proposed settlement agreement with Schenker, Inc. and its affiliates so as to delete the language in the agreement that requires any class member that chooses to exclude itself from the Schenker settlement to forfeit its rights to participate in the case for all purposes, and for such further relief

as the Court deems just, equitable and proper. Dell proposes that a hearing on this motion, along with Intervenor Hewlett-Packard Company's related motion to modify the Court's approval of the Schenker Settlement Agreement, be held on either August 10, 2012 or August 17, 2012. In addition, Dell respectfully requests that the Court defer ruling on Plaintiffs' motion for the Court's approval of class notice procedures for the Schenker, Vantec, EGL, Expeditors and Nishi-Nippon settlement agreements until after such hearing on this motion.

Dated: July 2, 2012

/s/ James B. Niehaus

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CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically on July 2, 2012. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ James B. Niehaus
Attorney for Dell Inc.